

## REMARKS

The holding of allowable subject matter is gratefully acknowledged.

Some of the claims indicated as allowable have been put in independent form.

Applicants respectfully submit that this does not change the scope of the claims and should not result in a filewrapper estoppel. However, if a court should find such an estoppel the amendments should be regarded as amendments by adding a limitation to the independent claims, rather than amendments adding limitations to the dependent claims.

### Art rejections

The art rejections are respectfully traversed.

Since the references are complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

### Claims 1, 3, 13, and 14

Claim 1 recites encoding an information unit into a modulated signal. In other words, the modulated signal corresponds to the information unit. The modulated signal is provided with a link signal element at the begin and/or at the end. In other words the link signal element is part of the information unit. Claim 1 further recites that information units are recorded at consecutive addressable locations. In other words, nothing is recorded between information units. This recitation entails the functional advantage that the invention allows recording that is compatible with DVD+RW standards.

In the Nagara reference, the linking section is not part of the information unit. It is a totally separate piece of information. Moreover, the linking section separates recorded

## REMARKS

information units – so that they are not recorded at successive locations. This means that the linking section shown in Nagara would not be compatible with DVD+RW standards. In addition to the deficiencies recognized by the Examiner, Nagara reference fails to teach or suggest the claim recitations discussed in the preceding paragraph.

Moreover, the invention of claim 1 includes a recognition of the necessity of a certain length of link mark in a context where there are recited types of synchronization patterns. The invention has the functional advantage of preventing false synchronization.

The Nagara reference does not relate to this same context. The Examiner admits that the recited types of synchronization patterns are not present.

The Examiner attempts to correct the deficiencies of Nagara relating to synchronization patterns with reference to Tanaka, citing the synchronization codes in Tanaka. However, since Tanaka and Nagara relate to different coding formats, it is not at all clear that they are compatible. Moreover, it is not clear from the references what function the mark at the start of the APC section in Nagara might perform with respect to information having synchronization patterns per Tanaka. The references do not teach or suggest the functional advantage that false synchronization might be avoided using particular marks in the linking section. Applicants understand Nagara to include a non-overwritten part (see *NO RECORD AREA* in Fig. 5E, and claim 1) of 11T. Applicants understand this pattern to be particularly sensitive to false sync generation. Applicants therefore respectfully submit that Nagara teaches away from considering false sync detection, and from selecting short linking elements to prevent such generation. This makes the possible combination of Nagara and Tanaka dysfunctional.

## REMARKS

In sum, the motivation for this combination comes from Applicants' disclosure, not from the references. Accordingly, the combination proposed by the Examiner constitutes impermissible hindsight in light of Applicants' disclosure.

Moreover, Tanaka fails to correct the other deficiencies discussed above with respect to Nagara.

Claim 3 is analogous to claim 1 in this respect.

Claims 13 and 14 are formulated differently from claims 1 and 3; however, they still contain the limitations that the recorded signals contain link signal elements, information units and synchronization. This appears to be impossible with the Nagara reference, because the linking sections would create false syncs. Accordingly, Applicants respectfully submit that claims 13 and 14 also distinguish patentably over the references.

### Claims 5 and 11

These claims add limitations for a long mark that is greater than the sum of the maximum runlength and the link mark. Against this recitation, the Examiner points to Tanaka's long synchronization mark in columns 9 and 10. However, this portion of Tanaka does not recognize that this long length would bear any relationship to a linking section per Nagara. Again, this is impermissible hindsight in light of Applicants' disclosure.

### Claim 7

The Examiner purports to find in Nagara a fixed number of sequences for the recording marks up to a synchronizing pattern. Applicants are not finding this. First, there is no synchronizing pattern. Then, too, the linking section is 8 frames long. This would seem to

## REMARKS

indicate an almost arbitrary number of possible mark sequences in the linking section, for all practical purposes an infinite number by the standards of digital programming. Applicants find no teaching or suggestion, either, about whether the number of mark boundaries should be odd or not. Clarification is respectfully requested.

### New Claims

The new claims recite additional patentable distinctions over the reference. For instance, new claim 32 recites that the linking section lies within a single word. Claims 34 & 38 recite that

- the linking portion lies entirely within an information unit,
- the last word of the information unit is replaced at least in part with a linking portion,
- the linking portion lies entirely within the information unit
- the linking portion has a particular physical format that, when combined with other recordations, avoids mimicking a given pattern present in the synchronization patterns,
- at least a second information unit can be immediately adjacent to the information unit, without the necessity of a separate linking section between the information unit and the second information unit.

Applicants respectfully submit that these recitations are not taught or suggested in the references, for the reasons discussed above with respect to claim 1.

The new dependent claims recite additional patentable distinctions over the references.

## REMARKS

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. None of the Examiner's arguments are conceded, nor is any argument that Applicants might make waived.



### Information Disclosure

Applicants submitted a PTO/SB/8a form with the amendment of May 2004. A copy initialed by the Examiner is still not enclosed with the latest office action. Correction is respectfully requested.

*Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.*

REMARKS

Applicants respectfully submit that they have answered each issue raised by the Examiner — except for any skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

<u>CERTIFICATE OF MAILING</u>	
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